

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., ROBERT ALIN PILKINGTON,  
MISOOK KIM, and DOES NOS. 1-50,

Defendants.

Case No. 1:22-cv-00187-LVJ-JJM

**DECLARATION OF GONZALO REY**

Gonzalo Rey, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declares the following to be true and correct:

**I. Personal and Professional History**

1. My name is Gonzalo Rey. I provide this declaration in support of Skyryse, Inc.'s Motion to Dismiss, or in the Alternative for a Change of Venue. I am over the age of 18 years old. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently testify to the facts set forth herein.

2. I hold Master of Science degrees in mathematics and electrical engineering and a doctorate in controls engineering and applied mathematics from Cornell University.

3. I have worked in aviation technology my entire career, beginning in 1996. In the decades I have worked in aviation, I have worked on flight controllers for the Boeing 787 and Airbus A350 airliners, among others.

4. I live in Torrance, California in Los Angeles County.

5. I am the Chief Technical Officer ("CTO") at Skyryse and have held this position since my full-time employment began in 2019. I have lived in Torrance, California in Los Angeles County

throughout the course of my career at Skyryse.

6. As CTO at Skyryse, I am responsible for overseeing the design and development of Skyryse's technology. I am intimately familiar with Skyryse's products including the company's software design, development, and implementation. I play a key role in the development and articulation of Skyryse's strategic technical direction, and I work with other executives to align the company's technology strategy with its business strategy and evolving market needs.

7. From 2017 until 2019, I worked for a Mobility-as-a-Service California-based startup called Zoox, Inc. as its Vice President of Systems Design. Zoox is a robotics company developing fully autonomous automobiles.

8. From 2005 until 2017, I worked for Moog, Inc. in various capacities. Specifically, from 2005 until 2014, I was the Director of Engineering for Commercial Aircraft. From 2014 until January of 2016, I was the Director of Research and Technology. Most recently, from January 2016 until August of 2017, I was the CTO at Moog.

9. I left Moog voluntarily in 2017 to join Zoox, and then from Zoox, I went to Skyryse. I was recruited to join Skyryse by a California-based recruiter, Bill Beers at Daversa Partners.

## **II. Skyryse Is a California-Based Startup.**

10. Skyryse was founded in California in 2016 by its current Chief Executive Officer, Dr. Mark Groden. Dr. Groden founded Skyryse after completing his PhD in sensor technology at the University of Michigan. At first, Skyryse was located in Northern California. In 2018, the company moved to El Segundo, California, its current headquarters. Dr. Groden now lives in Marina Del Rey, California.

11. Skyryse is a cutting-edge California-based startup and a disruptor in the commercial aviation industry. Skyryse first began developing its technology with the aim of making helicopter services widely available.

12. Skyryse has spent the last six years developing flight-control software called FlightOS, the world's first pilot-centric universal flight control system and flight deck. Skyryse has developed its FlightOS technology to greatly reduce opportunities for human error and to achieve levels of safety not previously available in the general aviation market. Among other innovations, FlightOS permits onboard pilots to control automated flight systems through a simple, intuitive tablet interface with a touchscreen.

13. Skyryse's headquarters are located at 777 South Aviation Boulevard in El Segundo, California in Los Angeles County. Skyryse's executives work out of Skyryse's headquarters in El Segundo. Skyryse's documents, records, and servers are located in California. Skyryse issues work laptops to its engineers, most of whom are based out of the El Segundo office, as well as a nearby laboratory space. Skyryse's information technology ("IT") function is housed in Skyryse's El Segundo office.

14. Skyryse also maintains five airport hangars with its five aircrafts, as well as engineer and flight test support, in Camarillo, California, just north of Los Angeles county. Skyryse flies in airspace in Ventura County and the greater Los Angeles metropolitan area.

15. As of this March 2022, Skyryse also maintains laboratory space in El Segundo.

16. In October 2021, Skyryse completed its Series B fundraise and has raised a total of roughly \$250 million in capital to date.

17. Skyryse is growing at a rapid pace. As of the date of this declaration, Skyryse employs 71 full-time employees, 67 of who live and work in California.

### **III. The Defendants and their Documents and Devices are in California.**

18. Skyryse is a California company with no operations in the Western District of New York.

19. Skyryse's documents, records, emails, and systems are stored, maintained, and accessed from Skyryse's El Segundo headquarters and its Camarillo, California location. This includes design and development documents regarding the structure, function, and operation of Skyryse's FlightOS.

20. Skyryse's operation and maintenance of software, and the aircraft hardware on which it runs, are in the greater Los Angeles area.

21. The individual defendants named in the complaint, Robert Alin Pilkington and Misook Kim, both came over to Skyryse from Moog's Torrance, California office.

22. Mr. Pilkington and Ms. Kim live in California. Their Skyryse-issued devices, which were used by Mr. Pilkington and Ms. Kim while they were actively employed by Skyryse, are located in California.

#### **IV. Inconvenience of Testifying in the Western District of New York.**

23. No Skyryse employee lives or works in the Western District of New York.

24. I have reviewed the Complaint in this action. Each of the former Moog employees identified in Paragraph 91 of the Complaint live and work in California.<sup>1</sup> To the extent there are proceedings in this action that require witness testimony from any of the numerous individuals identified in Paragraph 91 of the Complaint, it would impose a considerable strain and expense on Skyryse and its personnel to travel to the Western District of New York.

25. Of the 20 employees listed in Paragraph 91 of the Complaint, 16 were hired from Moog's Torrance, California office outside of Los Angeles.

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<sup>1</sup> The second individual identified at Paragraph 91 of the Complaint is not, and never has been, a Skyryse employee.

26. Many of the potential witnesses Moog has identified live and work in California. At least half of the people Moog identified on its list of witnesses it anticipates calling in support of a preliminary injunction hearing reside in California, including Jorge Lopez, William Michael Johnnie, and Bruce Pixley.

27. In addition to the individuals Moog has included on its own witness list, Ray Paprocki (Ms. Kim's former direct supervisor at Moog) may be called as a witness. He lives in southern California and works out of Moog's Torrance, California office.

28. The witnesses having the greatest familiarity with the design, development, and implementation of Skyryse's technology and software live and work in California:

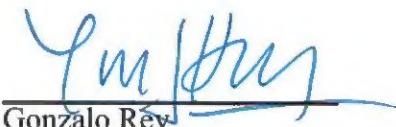
- Myself: I am Skyryse's Chief Technical Officer and the person most familiar with its software design, development, and implementation. I am intimately familiar with Skyryse's products and the technical information at issue in this litigation.
- Mark Groden: Dr. Groden is Skyryse's CEO and the initial architect and developer of FlightOS.
- Tim Baptist: Mr. Baptist is very familiar with the business case for Skyryse's aviation technology, and he can speak to how it interfaces with Skyryse's software.
- Sathyanarayana Achar: Mr. Achar leads the software and related systems teams designing the software systems to meet Skyryse's product requirements, including FlightOS.

29. Skyryse works with various California-based third parties who may become witnesses in this action. For example, Martin Cooper is a California-based third-party advisor and recruiter who has recruited many of Skyryse's engineers. Skyryse also works with California-based contractors to perform some of its engineering work. These contractors or their California-based employees may become witnesses in this action. I have received no indication that any of these California-based non-party witnesses would be willing to testify voluntarily.

30. Given the location of Skyryse's executives, employees, and documents, Skyryse and its witnesses would incur significant time, expense, and inconvenience if required to appear in the Western District of New York. We are a small company that would be greatly inconvenienced by the demands of a cross-country lawsuit. It would be far less burdensome for Skyryse to litigate this action in the Central District of California.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 29, 2022

  
Gonzalo Rey